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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF ARIZONA**

11 Peter Strojnik, (Sr.),
12 Plaintiff,
13
14 vs.
15 State Bar of Arizona,
16 Defendant.

Case No. CV-19-02704-PHX-DJH

**DEFENDANT STATE BAR OF
ARIZONA’S REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
ITS MOTION TO DISMISS
PLAINTIFFS’ SECOND AMENDED
COMPLAINT**

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19 Pursuant to Federal Rule of Evidence 201, Defendants State Bar of Arizona (“SBA”)
20 respectfully requests that this Court take judicial notice of:

- 21 1. Order of Interim Suspension of Peter Strojnik in PDJ 2018-9018;
22 2. Complaint against Peter Strojnik in PDJ 2018-9105;
23 3. Peter Strojnik’s Motion to Recognize Strojnik’s Expressive Dissociation from
24 the Arizona State Bar in PDJ 2018-9105;
25 4. The State Bar of Arizona’s Motion to Strike in PDJ 2018-9105;
26 5. Strojnik’s Response to the SBA’s Motion to Strike in PDJ 2018-9105;
27 6. Order Re: Motion to Recognize Expressive Dissociation in PDJ 2018-9105;
28 7. Strojnik’s Consent to Disbarment in PDJ 2018-9105; and

1 8. Judgment of Disbarment in PDJ 2018-9105.

2 This request is explained more fully in the following Memorandum of Points and
3 Authorities.

4 **MEMORANDUM OF POINTS AND AUTHORITIES**

5 **I. INTRODUCTION.**

6 In his Second Amended Complaint [Doc. 22], Plaintiff alleges various violations of
7 his rights in connection with disciplinary action taken against him for his conduct in
8 connection with the filing of over 1,700 complaints in state court and over 160 complaints
9 in district court alleging violations of the Americans with Disabilities Act (“ADA”) and the
10 Arizonans with Disabilities Act (“AZDA”). Each of the documents for which the SBA
11 requests judicial notice is a record from Plaintiff’s disciplinary proceedings before the
12 Arizona Presiding Disciplinary Judge and either discussed in Plaintiff’s amended complaint
13 or forms the basis for it.

14 This request is supported by the Declaration of Chief Bar Counsel Maret Vessella,
15 attached as **Exhibit A**. Each of the documents for which judicial notice is requested are
16 authenticated in her Declaration and true and correct copies attached as **Exhibits 1-8** to her
17 Declaration.

18 **II. ARGUMENT.**

19 Federal Rule of Evidence 201 provides, in relevant part, that a “court may judicially
20 notice a fact that is not subject to reasonable dispute because it: (1) is generally known
21 within the trial court’s territorial jurisdiction; or (2) can be accurately and readily
22 determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid.
23 201(b). “Where judicial notice is requested, and the court receives sufficient information,
24 judicial notice is mandatory” under Fed. R. Evid. 201(c). *Tribe v. Central Arizona Water*
25 *Conservation District*, 2019 WL 2058818, *2 (D.Ariz. Mar. 31, 2019).

26 Judicial notice of Plaintiff’s disciplinary records at the heart of his complaint is
27 appropriate. Their existence and what they say is a matter of public record and not subject
28 to reasonable dispute over their authenticity. The Court may take judicial notice of matters

1 of public record and “of pleadings, memoranda, and other verifiable documents from related
2 litigation.” *Mlynarczyk v. Wilmington Savings Fund Society FSB*, 2016 WL 3524329, at *2
3 (D.Ariz. Apr. 29, 2016).

4 The State Bar requests that these disciplinary records be judicially noticed for their
5 existence and their reporting of the circumstance and grounds for discipline in these matters.
6 The truth of the underlying facts adjudicated in those disciplinary proceedings are *not* the
7 subject of this request for judicial notice. *See Pelligrini v. Fresno County*, 742 Fed.Appx.
8 209, 211 (9th Cir. 2018) (district court did not abuse its discretion by taking judicial notice
9 of documents filed in state court proceedings and made clear that he took judicial notice of
10 the existence of the documents and not the truth or correctness of their content); *Hutton v.*
11 *McDaniel*, 264 F. Supp.3d 996, 1008 (D.Ariz. 2017) (“When a court takes judicial notice
12 of a public record, ‘it may do so not for the truth of the facts recited therein, but for the
13 existence of the [record], which is not subject to reasonable dispute over its authenticity.”).

14 **III. CONCLUSION.**

15 For the foregoing reasons, the Defendant State Bar of Arizona respectfully requests
16 that this Court judicially notice the above-described records to be used for the limited
17 purposes set forth herein.

18 DATED this 15th day of August, 2019.

19 **BONNETT, FAIRBOURN, FRIEDMAN &**
20 **BALINT, P.C.**

21 By /s/ Lisa T. Hauser

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of August, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all parties.

/s/ Carolyn Alter
Legal Assistant to Lisa T. Hauser